

# MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/5/24
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In re

CUSTOMS AND TAX ADMINISTRATION OF  
THE KINGDOM OF DENMARK  
(SKATTEFORVALTNINGEN) TAX REFUND  
SCHEME LITIGATION

No. 18-md-02865-LAK

## NOTICE OF MOTION

This document relates to: The cases listed in  
Appendix A to  
Pretrial Order No.  
35 (ECF No. 977)

PLEASE TAKE NOTICE that, on the accompanying memorandum of law; declaration of Thomas E.L. Dewey dated June 21, 2024, and exhibits thereto; and all prior proceedings in this action, Defendants move under *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), Fed. R. Evid. 702, and other applicable law for an order prohibiting Marcia S. Wagner from testifying at trial and granting such other and further relief as the Court may deem just and proper.

Defendants' motion to exclude the testimony of Marcia S. Wagner is denied as moot in light of dkt 1116, which excludes the testimony of proposed expert witness C. Frederick Reish. *See* dkt 1088 (Pl. Mem.) at 1 (stating that plaintiff would not seek to introduce the testimony of Ms. Wagner if Mr. Reish's testimony were excluded).

**SO ORDERED**  
  
**LEWIS A. KAPLAN, USD**

8/5/24